NOMURA et al.
Appl. No. 09/892,747
Response to Office Action dated January 30, 2007

## REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Applicants again respectfully request that receipt of the certified copies of the two (2) priority documents be acknowledged. These documents were submitted on June 28, 2001 as evidenced by the copy of the postcard receipt attached to the response of January 11, 2005.

The example embodiments of subject application describe by way of illustration without limitation systems and methods in which a functional program is provided to a user-side device (e.g., an image formation apparatus) after judging, based on an operating environment of the user-side device (e.g., how a device main body is combined with an optional expansion device), whether the functional program is usable in the user-side device. After proper operation of the functional program is confirmed in the device, a fee-charging operation is performed with respect to the user.

The example embodiments allow the server (distributor) to sell a program which is known to be usable in the user system. Moreover, the example embodiments can prevent useless programs from being sold. In addition, because the user is asked to pay for the program after confirming its proper operation, program supplying services of the example embodiments can be significantly improved. On the purchaser-side, the confirmation of operability in a user's system reduces the user's anxiety regarding the purchase of a program.

As explained in greater detail below, the proposed combination of Oki et al. and Nakagawa et al. at best suggests providing a message as to whether or not a program is normally installed. This is very different than, for example, providing a notification as to whether or not proper operation of program on a user system is confirmed. Moreover, the Oki et al. and Nakagawa et al. documents do not disclose or suggest requesting payment after proper operation of a program is confirmed.

NOMURA et al.
Appl. No. 09/892,747
Response to Office Action dated January 30, 2007

More specifically, claims 1-33 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Oki (U.S. Patent No. 5,859,969) in view of Nakagawa et al. (U.S. Patent No. 5,835,911).[1]

Independent claim 1 includes steps of transmitting an operating environment of the user system from the user system via the network to the server before supplying the program; judging whether the program is operable or not in the operating environment, and transmitting a result of the judgment from the server via the network to the user system; executing the program on the user system after the program is supplied from the server and installed on the user system to thereby confirm proper operation of the program; and after receiving confirmation at the server of proper operation of the program on the user system, requesting payment for the program. According to such a method, a user is able, for example, to avoid purchasing a program which is not operable on the user's system.

Oki at least fails to disclose transmitting a notification of operation confirmation to a server and this is acknowledged in the office action. See 1/30/2007 Office Action, page 3. Nakagawa et al. is alleged to remedy this deficiency. See 1/30/2007 Office Action, page 3. Nakagawa et al. is also alleged to disclose "requesting payment for a program." See 1/30/2007 Office Action, page 4.

With respect to the notification operation, the referenced portion of Nakagawa et al. at col. 28, lines 42-51 describes providing a "confirmation message" informing whether the storing or installing of software has terminated normally or abnormally. However, confirmation that software has been stored or installed properly is not the same as confirmation of its proper operation. To confirm that software has been normally installed is one thing and to confirm that the installed software has properly operated on a user system is another. Anyone who has installed software on a computer is aware that simply completing the installation process does not ensure that the program will properly operate when executed. Consequently, Applicants respectfully submit that the portion of Nakagawa et al. cited in the office action does not disclose or suggest the confirming of proper program operation as set forth in claim 1.

---

[1] Although the rejections of claims 1-22, 25, 26 and 28-32 and of claims 23, 24 and 27 are separately presented on pages 2 and 11 of the office action, respectively, both rejections are based on the same proposed combination of references.

NOMURA et al.
Appl. No. 09/892,747
Response to Office Action dated January 30, 2007

Claim 1 further calls for payment for a program to be requested after confirmation of proper operation of the program on a user system is received at a server. The office action refers to Nakagawa's disclosure at col. 59, lines 35-50 of providing software as shareware for which the user is asked to pay "after the user's satisfaction of the software." However, based on the referenced Nakagawa et al. disclosure, even though payment may be made after the "user's satisfaction of the software", the request for payment is made at the time of the "purchase procedure" or at the time the "object software" is sent. Thus, the timing of the payment request is different than that in the pending claims. Moreover, even if it is argued that a request for payment is made after the user's satisfaction, there is no disclosure in Nakagawa et al. that such a request would be made by the server from which the software was downloaded. In other words, even if it is argued that shareware can provide periodic reminders about payment (e.g., when the software is opened on a user's computer), there is nothing in Nakagawa et al. or elsewhere in the record that such reminders be sent from the server (e.g., as opposed to being locally generated by the shareware itself).

Additionally, in accordance with claim 1, payment for the program is requested based on confirming the operability of a program, not on a user's satisfaction with the program as in Nakagawa et al. In claim 1, once it is confirmed that the program is operable, payment is requested, regardless of the user's satisfaction with the program.

For these reasons, Applicants respectfully submit that the portion of Nakagawa et al. cited in the office action with respect to requesting payment does not disclose or suggest requesting payment in the manner specified in the pending claims.

Consequently, for at least these reasons, claim 1 and its dependent claims patentably distinguish over the proposed combination of Oki et al. and Nakagawa et al.

Independent claims 8, 12, 21, 22 and 25 variously recite program supply methods and systems in which a program supplied from a server is executed on a user system to thereby confirm proper operation of the program and in which payment for the program is requested by a server after the server receives confirmation of proper operation. For reasons similar to those discussed above with respect to claim 1, these claims and the claims that depend therefrom likewise patentably distinguish over the proposed combination of Oki et al. and Nakagawa et al.

NOMURA et al.
Appl. No. 09/892,747
Response to Office Action dated January 30, 2007

Independent claims 23, 24 and 31 variously call for executing a program to confirm its proper operation and transmitting (or sending) a notification regarding the confirmation of operation to a server. As discussed above, Nakagawa et al. at best describes providing a "confirmation message" as to whether the storing or installing of software has terminated normally or abnormally. However, this is not the same as confirming whether the software has properly operated. Consequently, the proposed combination of Oki et al. and Nakagawa et al. is deficient at least with respect to this feature of claims 23, 24 and 31 and the claims that depend therefrom.

New claim 33 has been added. Applicants submit that the subject matter of claim 33 is fully supported by the original disclosure and the Examiner invited to confirm that this is the case. Claim 33 calls for sending to a server operating environment data of an image formation apparatus including which expansion units are attached thereto; receiving from the server a list of programs that is generated based on the operating environment data; sending to the server a request for one of the programs selected from the list; receiving the selected program from the server; installing the received program; executing the installed program to confirm proper operation of the program in an operating environment of the image formation apparatus; sending to the server a notification regarding the confirmation of proper operation; and receiving a request for payment for the program from the server after the sending of notification. The applied references do not disclose or suggest such a method for an image formation apparatus (or otherwise) and thus this claim is believed to patentably distinguish over the applied references.

NOMURA et al.
Appl. No. 09/892,747
Response to Office Action dated January 30, 2007

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: _____
Michael J. Shea
Reg. No. 34,725

MJS:mjs
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100